



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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May 25, 2018

**VIA FIRST-CLASS MAIL**

Clinton James, DIN 16-A-1356  
*Plaintiff Pro Se*  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, New York 12929

Re: Clinton James v. Detective Fahim, et al.,  
16 Civ. 1077 (CBA) (VMS)

Mr. James:

Enclosed please find the following documents in support of Defendants' Motion for Summary Judgment, as well as fourteen (14) unpublished cases cited in Defendants' Motion for Summary Judgment, dated May 25, 2018:

1. Defendants' Notice of Motion for Summary Judgment pursuant to F.C.R.P. 56, and Notice to *Pro Se* Litigant Opposing Rule 56 Motion, dated May 25, 2018;
2. Defendants' Statement of Undisputed Facts, pursuant to Local Civil Rule 56.1, dated May 25, 2018;
3. Defendants' Memorandum of Law in Support of the Motion for Summary Judgment, dated May 25, 2018;
4. Defendants' Declaration of Megan Conger in Support of the Motion for Summary Judgment and Exhibits A-R<sup>1</sup>, dated May 25, 2018,
5. The following fourteen (14) unpublished cases cited in Defendants' Motion for Summary Judgment, dated May 25, 2018:

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<sup>1</sup> Defendants' Exhibit K is in CD format and, as such, cannot be produced to plaintiff directly due to the safety and security concerns of the correctional facility. On August, 11, 2017, defendants produced the video contained on the CD titled Exhibit K to an official from Clinton Correctional Facility on a CD bearing bates no. DEF 00007191. The facility has represented to the undersigned that plaintiff will be able to view the contents of the CD bearing bates no. DEF 00007191 at an appropriate designated location within the facility.

- 1) Batt v. Buccilli, 2017 U.S. Dist. LEXIS 49197 (W.D.N.Y. 2017),  
aff'd Batt v. Buccilli, 2018 U.S. App. LEXIS 3635 (2d Cir. N.Y.,  
Feb. 16, 2018);
- 2) Diggs v. N.Y. Police Dep't, No. 04 Civ. 1849 (CBA), 2005 U.S.  
Dist. LEXIS 38244 (E.D.N.Y. Dec. 22, 2005);
- 3) Pub. Adm'r of Queens Cnty. ex rel. Estate & Beneficiaries of  
Guzman v. City of New York, No. 06 Civ. 7099 (LBS),  
2009 U.S. Dist. LEXIS 18350 (S.D.N.Y. Feb. 24, 2009);
- 4) Husbands ex rel. Forde v. City of New York, No. 05 Civ. 9252,  
2007 U.S. Dist. LEXIS 61042 (S.D.N.Y. Aug. 16, 2007);
- 5) Gonzalez v. City of Schenectady, No. 11 Civ. 5403, 2013 U.S.  
App. LEXIS 17943 (2d Cir. Aug. 28, 2013);
- 6) Henry v. City of New York, No. 02 Civ. 4824 (JSM), 2003 U.S.  
Dist. LEXIS 15699 (S.D.N.Y. Sept. 8, 2003);
- 7) Joseph v. Fischer, 08 Civ. 2824 (PKC) (AJP), 2009 U.S. Dist.  
LEXIS 96952 (S.D.N.Y. Oct. 8, 2009);
- 8) Nogbou v. Mayrose, No. 07 Civ. 3763 (RWS), 2009 U.S. Dist.  
LEXIS 96118 (S.D.N.Y. Oct. 15, 2009),  
aff'd, 400 Fed. Appx. 617 (2d Cir. 2010);
- 9) Reddy v. Catone, No. 15 Civ. 1033, 2015 U.S. App. LEXIS 21328  
(2d Cir. Dec. 10, 2015);
- 10) Riddick v. Thomas, No. 11 Civ. 2986 (KBF), 2012 U.S. Dist.  
LEXIS 35242 (S.D.N.Y. Mar. 15, 2012);
- 11) Torres v. Dennis, No. 10 Civ. 0803 (JS) (AKT),  
2013 U.S. Dist. LEXIS 83421 (E.D.N.Y. June 13, 2013);
- 12) Vatansever v. City of New York, No. 01 Civ. 11621,  
2005 U.S. Dist. LEXIS 34658 (S.D.N.Y. Sept. 28, 2005);
- 13) Wims v. New York City Police Dep't, et al., No. 10 Civ. 06128  
(PKC), 2011 U.S. Dist. LEXIS 78641 (S.D.N.Y. July 20, 2011);
- 14) Yearwood v. LoPiccolo, No. 95 Civ. 2544, 1998 U.S. Dist. LEXIS  
12302 (S.D.N.Y. Aug. 10, 1998).

Thank you for your consideration herein.

Sincerely,

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/s/  
Megan Conger  
*Assistant Corporation Counsel*  
Special Federal Litigation Division

**CC: VIA ECF**

The Honorable Carol Bagley Amon  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201